IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

MONDAY, THE 11TH DECEMBER 2006 / 20TH AGRAHAYANA 1928

WP(C).No. 29370 of 2006(U)

PETITIONER:

K.VALSALA,
RET.HEADMISTRESS OF PALLIPURAM UNION U.P.SCHOOL,
NOW RESIDING AT KARTHIKA (H), SANTHOSH NAGAR,
PIRAYIRI (PO), PALGHAT-678019.

BY ADV. SMT. .LEELA NARAYANAN
SMT.RINCI ANTONY.T

RESPONDENTS:
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1. STATE OF KERALA,
REPRESENTED BY SECRETARY,
DEPARTMENT OF EDUCATION,
THIRUVANANTHAPURAM.

2. THE DEPUTY DIRECTOR OF EDUCATION,
CIVIL STATION, PALGHAT.

3. A.E.O.,
KOPPAM P.O.,
PALGHAT-11.

4. THE SUB TREASURY OFFICER,
SUB-TREASURY, PALGHAT.

BY GOVT. PLEADER (SHRI T.T. MUHAMMED)

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN W.P.(C) NO.29370 OF 2006 U

PETITIONER'S EXHIBITS:

EXT.P1 **TRUE COPY OF THE PENSION PAYMENT ORDER DT. 27.7.2006.**

EXT.P2 **TRUE COPY OF THE LETTER DATED 5.4.2006.**

EXT.P3 **TRUE COPY OF THE STATEMENT OF FIXATION OF PAY.**

EXT.P4 **TRUE COPY OF THE REPRESENTATION DATED 20.9.2006.**

// TRUE COPY//

PS TO JUDGE

K. M. JOSEPH, J.

W.P.C. NO. 29370 OF 2006 U

Dated this the 11th December, 2006

JUDGMENT

Case of the petitioner, in brief, is as follows:

Petitioner is a retired Headmistress. She retired on 31.3.2006. Ext.P1 is the pension payment order dated 27.7.2006. The benefits were not given for the reason of objection regarding refixation of pay. She approached the Accountant General's Office. By Ext.P2, she was informed that the matter is not pursued and the Local Audit Report may be treated as closed. Complaint of petitioner is that though it was dropped, there is no effort on the side of the respondents to revise the pensionary benefits. Ext.P3 is a statement of fixation of pay. She addressed Ext.P4 before the third respondent AEO. But, it is pointed out that the proper authority to consider the matter would be the second respondent, Deputy Director of Education. Heard the learned Government Pleader also. In such circumstances, the Writ Petition is disposed of as follows:

There will be a direction to the second respondent to consider and take a decision on Ext.P4 in accordance with law. To enable the second respondent to do so, petitioner will produce a copy of Ext.P4 before second respondent. A decision shall be taken within three weeks from the date of receipt of the copy of Ext.P4 along with a copy of this Judgment. Second respondent will take note of Ext.P2 also when a decision is taken in the matter as aforesaid.

K. M. JOSEPH, JUDGE

kbk.